

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Lahneen Slantis, :
Plaintiff :
v. : Case No.: 1:09-CV-0049
Capozzi & Associates, P.C., :
Defendant : *Electronically Filed*

DEFENDANT'S MOTION TO DISQUALIFY PLAINTIFF'S COUNSEL

NOW COMES, Defendant, Capozzi & Associates, P.C. ("Capozzi & Associates") and files this Motion to Disqualify Plaintiff's Counsel as follows:

1. Plaintiff alleges that Defendant improperly accessed her credit report for purposes not permitted under the FCRA.
2. Defendant avers that their actions were proper and necessary due to communication received from attorney Frank P. Clark on or about December 12, 2007 on behalf of the Plaintiff.
3. On or about December 2007, Plaintiff retained Frank P. Clark in connection with an employment dispute with Advanced Center for Infertility and Reproductive Medicine, a client of the Defendant.
4. Defendant avers that their actions were taken as a direct and foreseeable result of the statements made by Frank P. Clark in his communication with the Defendant on behalf of the Plaintiff regarding her intention to seek unwarranted monetary compensation from the Advanced Center for Infertility and Reproductive Medicine.
5. Defendant believes and therefore avers that Frank P. Clark is a likely witness in the merits of the case because of his knowledge of the Plaintiff's threatened

course of legal action at the time of the event complained of in the above captioned matter.

6. Defendant believes and therefore avers that the likely participation as a witness in the merits of the case of Frank P. Clark violates L.R. 43.1 and warrants his disqualification as counsel for the Plaintiff in this matter.

WHEREFORE, Defendant respectfully seeks an order from the Court disqualifying Frank P. Clark from representing the Plaintiff in the above captioned matter.

Respectfully submitted,

s/ Trudy A. Marietta Mintz
TRUDY A. MARIETTA MINTZ, ESQ.
Pa Bar ID 208523
Capozzi and Associates, P.C.
2933 North Front Street
Harrisburg, PA 17110
Tele: (717) 233-4101
Fax: (717) 233-4104
email: trudym@capozziassociates.com

CERTIFICATE OF SERVICE

I, Trudy A. Marietta Mintz, hereby certify that on this sixth day of July, 2009, a true and correct copy of the foregoing Defendant's Motion to Disqualify Plaintiff's Counsel was served upon the below named persons via the Court's electronic filing systems:

Gordon R. Leech, Esq.
Samster, Konkel & Safran, SC
1110 N. Old World Third St.
Ste. 405
Milwaukee, WI 53203

Frank P. Clark, Esq.
Clark & Krevsky, LLC
PO BOX 1254
Camp Hill, PA 17001-1254

s/ Trudy A. Marietta Mintz
TRUDY A. MARIETTA MINTZ